



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELHADJI OUSMANE TOUNKARA,

Plaintiff,

- against -

REPUBLIC OF SENEGAL, et al.,

Defendants.  
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21-CV-8027 (LAK) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

As discussed at the conference held on May 9, 2023, a hearing will be held to address unresolved issues of fact and law concerning whether the Court has subject matter jurisdiction over the remaining claims in this action. The parties shall present competent evidence, whether testimonial or documentary to support their positions regarding whether the Court is deprived of jurisdiction due to diplomatic immunity and/or lack of diversity. Fourteen days before the hearing, the parties shall exchange with each other, and submit to the Court, (1) a list of any witnesses they intend to call at the hearing, and (2) a list of exhibits they plan to offer. Among other fact issues to be explored are (i) the truth and consequences of the statements made in the "To Whom It May Concern" letter submitted by Defendant at Dkt. 53-1; and (ii) each party's "domicile" at the time the complaint was filed; (iii) plaintiff's immigration status at the time the complaint was filed; and (iv) any other factual matter either party believes is necessary to sustain their respective burdens of proof. The Court will allot a single day to the hearing. If the parties believe more time is warranted, they shall so notify the Court by May 18, 2023.

The hearing will be held on June 27, 2023 at 9:30 a.m. in Courtroom 18D, United States District Court, 500 Pearl Street, New York, NY 10007.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: May 11, 2023  
New York, New York

Copies transmitted this date to all counsel of record.